

1 JOHN J. MENCHACA
2 835 WILSHIRE BLVD., SUITE 300
3 LOS ANGELES, CA 90017
4 (213) 683-3317 (telephone)
5 (213) 683-1883 (facsimile)

6 Chapter 7 Trustee

7
8 **UNITED STATES BANKRUPTCY COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10
11 In re

12 SILVA AGASYAN, an individual,

13 Debtor.

14 SSN XXX-XX-4548

Case No. 2:22-bk-16660-NB
Chapter 7

**APPLICATION BY CHAPTER 7
TRUSTEE TO EMPLOY GENERAL
BANKRUPTCY COUNSEL [11 U.S.C. §
327(a), Fed. R. Bank. P. 2014 and Loc.
Bankr. R. 2014-1(b)(1)]**

Date: [To be determined]
Time: [To be determined]
Place: U.S. Courthouse
Courtroom 1545
255 E. Temple St.
Los Angeles, CA 90012

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19 **TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE,**
20 **THE DEBTOR AND OTHER PARTIES IN INTEREST:**

21 **C**omes Now John J. Menchaca ("Menchaca"), the duly appointed and acting chapter 7
22 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of the above-captioned debtor Silva
23 Agasyan, an individual (the "Debtor"), in Case No. 2:22-bk-16660-NB (the "Bankruptcy Case"),
24 who hereby applies (the "Application") to employ The Law Offices of Wesley H. Avery, APC (the
25 "Firm" or "Counsel"), as the Trustee's general bankruptcy counsel as of December 12, 2022
26 pursuant to 11 U.S.C. § ("Section") 327(a). The Application is made on the basis of the following
27 facts.

28 1. The Debtor filed a voluntary chapter 7 petition on December 6, 2022 (the "Petition
C:\Users\Client\Desktop\BLC\Agasyan\Agasyan Pleadings\LOWHA Employ App.doc

1 Date”) and Menchaca was appointed as the chapter 7 trustee. The Debtor is a party to that
2 pending divorce proceeding styled In re the Marriage of Agasyan, LA Superior Court Case No.
3 19STFL15220 (the “Dissolution Action”). An order filed on July 20, 2022 (the “Sale Order”) in
4 the Dissolution Action commanded the sale (the “Sale”) of that single family residence commonly
5 known as 3506 Haven Way, Burbank CA 91504 (the “Residence”). The Sale was in escrow and
6 about to close as of the Petition Date. The Trustee needs to retain the Firm to evaluate and
7 liquidate the Estate’s interest in, and the validity and priority of liens against, the Residence which
8 is titled in the name of the Debtor only, and to determine any vendee’s rights in the Residence
9 pursuant to the Sale. The Trustee also needs the Firm to interpret orders subsequent to the Sale
10 Order in the Dissolution Action, and to determine the nature, validity and amount of any inchoate
11 attorneys’ liens against the Residence. Finally, it is necessary and appropriate to employ Counsel
12 to offer legal advice to the Trustee and to prosecute any other actions related to the administration
13 of the Estate.

14 2. Counsel was not paid a retainer, and may only be compensated as approved by this
15 Court upon written notice to creditors pursuant to Section 330(a). The hourly rate of Wesley H.
16 Avery, Esq. (“Avery”) of the Firm is \$685 per hour and the hourly rate of Lucy Mavyan, Esq.
17 (“Mavyan”) of the Firm is \$485 per hour. Avery is himself a panel chapter 7 trustee who has
18 retained the accountancy firm of which Menchaca is a member to represent him on unrelated
19 bankruptcy cases. Avery has represented the Trustee on unrelated bankruptcy cases.

20 3. As demonstrated by the attached Statement of Disinterestedness, Counsel has no
21 connection with the Debtor, nor does Counsel hold or represent an interest adverse to the Estate
22 and, therefore, is disinterested within the meaning of Section 101. Resumes of Avery and Mavyan
23 are attached as **Exhibit A**.

24 4. Counsel has agreed and the Trustee proposes that Counsel’s compensation from the
25 Estate shall be subject to prior Court approval after services are rendered and based on the
26 availability of funds in the Estate for payment of said compensation. Counsel proposes to charge
27 the Estate lawyer’s fees, and to seek reimbursement of actual out-of-pocket expenses, at rates as set
28

1 forth herein below. It is intended by the Parties that this Application and the Court's order
2 approving it shall constitute the agreement between them. It is further agreed that all payments for
3 attorney's fees and reimbursement of expenses of Counsel shall be paid from the Estate's funds, as,
4 when, and if such funds become available and the Court approves disbursement thereof pursuant to
5 Section 330(a).

6 5. Counsel also proposes to charge the Estate for his actual and necessary out-of-
7 pocket expenses for long distance telephone calls, messenger charge, overnight mail costs, postage,
8 parking expenses, court reporters' fees, VARS charges for transcripts of hearings, charges by the
9 clerk of the Bankruptcy Court, witness and mileage fees as required by statute, and expenses for
10 service of process when necessary. Additionally, Counsel proposes to charge as out-of-pocket
11 expenses the following items at the following rates:

12	Facsimile	\$1.00 per page
13	Photocopies	\$.20 per page
14	Mileage	Standard IRS mileage rate

15 6. Notice of this Application has been given in accordance with the rules of this Court.
16 (See **Exhibit B** attached hereto.) Exhibit B includes a disclosure that approval of employment is to
17 be effective as of December 12, 2022. The reason why approval of employment has been requested
18 effective December 12, 2022 is because that is about when Counsel began rendering services.

19 7. To the best of Applicant's knowledge, as reflected in the Declaration attached
20 hereto, Applicant believes that the Firm does not have any connection with the Debtor, the
21 creditors, or any other party in interest, or their respective attorneys or accountants, or the United
22 States Trustee or any person employed in the office of the United States Trustee, except that Avery
23 is a panel chapter 7 trustee in the Los Angeles Division of the Central District of California.

24 8. Counsel has not received a lien or interest in property of the Debtor or third parties
25 with respect to its representation of the Trustee. No agreement exists for a division of fees between
26 Counsel and any other person or entity except as among the members of the Counsel.

27 9. There is no agreement between the Trustee and Counsel regarding said law
28 Counsel's employment in this case other than as expressed in the within Application.

10. To the best of Applicant's knowledge and belief, Counsel has no present connection


1 with any party in interest, and holds no interest adverse to those of Debtor or of the Estate in the
2 matters upon which he is to be employed and his employment is in the best interest of this Estate.

3 **WHEREFORE**, Trustee prays for orders as follows:

4 A. That the Application is granted; and

5 B. That the employment of the Firm, as of December 12, 2022, is approved under
6 Section 327(a) as the Trustee's general bankruptcy counsel.

7
8 DATED: 12/15/2022



JOHN J. MENCHACA
Chapter 7 Trustee

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10
11 The undersigned agrees to all of the above.

12 **LAW OFFICES OF WESLEY H. AVERY, APC**

13
14 By 
15 _____

16 WESLEY H. AVERY
17 PRESIDENT
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Debtor(s).

3. The terms and source of the proposed compensation and reimbursement of the Professional are (*specify*):
fee application subject to court approval upon notice to creditors.

4. The nature and terms of retainer (i.e., nonrefundable versus an advance against fees) held by the Professional are *(specify)*:
N/A.
5. The investigation of disinterestedness made by the Professional prior to submitting this Statement consisted of *(specify)*:
Review of docket, petition, list of creditors and client files.
6. The following is a complete description of all of the Professional's connections with the Debtor, principals of the Debtor, insiders, the Debtor's creditors, any other party or parties in interest, and their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee *(specify, attaching extra pages as necessary)*:
The professional is a panel chapter 7 trustee in the Central District of California
7. The Professional is not a creditor, an equity security holder or an insider of the Debtor, except as follows *(specify, attaching extra pages as necessary)*:
N/A.
8. The Professional is not and was not, within 2 years before the date of the filing of the petition, a director, officer or employee of the Debtor.
9. The Professional does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor, or for any other reason, except as follows *(specify, attaching extra pages as necessary)*:
N/A.
10. Name, address and telephone number of the person signing this Statement on behalf of the Professional and the relationship of such person to the Professional *(specify)*:
Wesley H. Avery, Esq., CLS-B, President, 758 E. Colorado Blvd. # 210, Pasadena CA 91101; Office 626 395-7576.

11. The Professional is not a relative or employee of the United States trustee or a bankruptcy judge, except as follows
(specify, attaching extra pages as necessary):

Professional is a panel chapter 7 bankruptcy trustee.

12. Total number of attached pages of supporting documentation: 2

13. After conducting or supervising the investigation described in paragraph 5 above, I declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct except that I declare that paragraphs 6 through 9 are stated on information and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/16/22 Wesley H. Avery
Date Printed Name

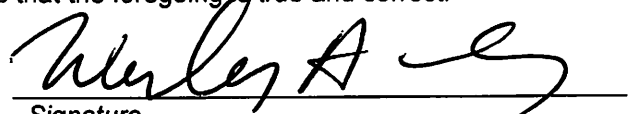

Signature

Exhibit A

Wesley H. Avery, Esq.

Wesley H. Avery, Esq. received his B.A., with highest honors in Economics and in Political Science, from the University of California, Davis in 1980, where he was elected to Phi Beta Kappa and Phi Kappa Phi. He received his M.B.A. from Harvard Business School in 1984 and his J.D. from the University of California at Los Angeles in 1991 with an emphasis in commercial law and bankruptcy.

Mr. Avery has been a member of the California State Bar since 1991. He is a *panel Chapter 7 trustee* and a *Chapter 12 Trustee* for the Central District of California. Mr. Avery is certified as a specialist in Bankruptcy Law by the State Bar of California and by the American Board of Certification which is recognized by the American Bar Association and the American Bankruptcy Institute. He is rated AV-by Martindale Hubbell since 1999, rated 10.0 by Avvo, and has been designated as a *Superlawyer* since 2006. Mr. Avery has testified and been deposed as an expert witness on Bankruptcy Law.

Mr. Avery is a *veteran*, and was on active duty as a *Major* in the U.S. Army from 1996-1997 at which time he was awarded the Meritorious Service Medal. He was a *Member* of the ABA Subcommittee on Legal Specialization (2013-2016), was *Chairman* of the California State Bar Bankruptcy Law Advisory Commission (2004-2005) and was *Chairman* of the State Board of Legal Specialization (2010-2011). Mr. Avery's reported cases include *In re Forrest*, 611 B.R. 662; *Maqsoudi*, 566 BR 40; *In re Santos*, 561 B.R. 825; *In re Obedian*, 546 B.R. 409; *In re DeGour*, 478 B.R. 1; *In re JMC Telecom LLC*, 416 B.R. 738; *In re Lahijani*, 325 B.R. 282; *In re Plitt Amusement Co.*, 233 B.R. 837; *DRG v. Chopstix Dim Sum Café*, 30 Cal.App.4th 54.

LUCY A. MAVYAN, ESQ.

Lucy A. Mavyan, Esq. received her Bachelor of Arts, *cum laude*, from the University of California, Los Angeles in 2004. She earned her Juris Doctorate, *cum laude*, from Whittier Law School in 2008, where she served as the Associate Editor for the Whittier Law Review and published an article regarding the Fourth Amendment.

Ms. Mavyan has exclusively practiced bankruptcy law since 2009. Prior to commencing her employment at the Law Offices of Wesley H. Avery, Ms. Mavyan represented debtors in Chapter 7 and 13 bankruptcy cases, as well as representing Chapter 7 trustees. In addition, Ms. Mavyan served as a staff attorney for a chapter 13 trustee for nearly four years. Ms. Mavyan also has experience as a chapter 7 trustee administrator.

Ms. Mavyan has been a member of the California State Bar since 2008 and the New York State Bar since 2010. She is admitted to practice in the Central, Southern, Northern, and Eastern Districts of California. She is also a member of the National Association of Bankruptcy Trustees and American Inns of Court.

Exhibit B

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. I am an employee of Law Offices of Wesley H. Avery, APC, and my business address is 758 E. Colorado Blvd. Ste. 210, Pasadena, CA 91101. A true and correct copy of the foregoing document entitled (*specify*): **Application** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) December 16, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Wesley H Avery** wes@averytrustee.com,
lucy@averytrustee.com;alexandria@averytrustee.com
- **Stella A Havkin** stella@havkinandshrago.com, shavkinesq@gmail.com
- **John J Menchaca (TR)** jmenchaca@menchacacpa.com,
ca87@ecfcbis.com;igaeta@menchacacpa.com
- **Valerie Smith** claims@recoverycorp.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) December 16, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor Silva Agasyan, 7124 Valmont Street # 4, Tujunga, CA 91042-2380

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) December 16, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/16/22

Date

Lupe Castillo

Printed Name

/s/ Lupe Castillo

Signature

1 Wesley H. Avery, Esq. CLS-B (SBN 155724)
Lucy Mavryan, Esq. (SBN 260811)
2 **LAW OFFICES OF WESLEY H. AVERY, APC**
758 E. Colorado Blvd. Ste. 210
3 Pasadena, CA 91101-2105
4 (626) 395-7576 (office)
(661) 430-5467 (fax)
5 wavery@thebankruptcylawcenter.com
(Proposed) Attorney for John J. Menchaca, chapter 7 trustee
6 *Fortis est veritas*

7
8 **UNITED STATES BANKRUPTCY COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10
11 In re
12 SILVA AGASYAN, an individual,
13 Debtor.
14 SSN XXX-XX-4548
15

Case No. 2:22-bk-16660-NB
Chapter 7

**NOTICE OF APPLICATION BY
CHAPTER 7 TRUSTEE TO EMPLOY
GENERAL BANKRUPTCY COUNSEL [11
U.S.C. § 327(a), Fed. R. Bank. P. 2014 and
Loc. Bankr. R. 2014-1(b)(2)]**

Date: [To be determined]
Time: [To be determined]
Place: U.S. Courthouse
Courtroom 1545
255 E. Temple St.
Los Angeles, CA 90012

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17
18
19 **TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE,**
20 **THE DEBTOR AND OTHER PARTIES IN INTEREST:**

21 **P**lease take notice that John J. Menchaca ("Menchaca"), the duly appointed and acting
22 chapter 7 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of the above-captioned
23 debtor Silva Agasyan, an individual (the "Debtor"), in Case No. 2:22-bk-16660-NB (the
24 "Bankruptcy Case"), has applied (the "Application") to employ The Law Offices of Wesley H.
25 Avery, APC (the "Firm" or "Counsel"), as the Trustee's general bankruptcy counsel as of
26 December 12, 2022 pursuant to 11 U.S.C. § ("Section") 327(a). The Application is made on the
27 basis of the following facts.

1 1. The Debtor filed a voluntary chapter 7 petition on December 6, 2022 (the "Petition
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3 pending divorce proceeding styled In re the Marriage of Agasyan, LA Superior Court Case No.
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11 Order in the Dissolution Action, and to determine the nature, validity and amount of any inchoate
12 attorneys' liens against the Residence. Finally, it is necessary and appropriate to employ Counsel
13 to offer legal advice to the Trustee and to prosecute any other actions related to the administration
14 of the Estate.

15 Counsel was not paid a retainer, and may only be compensated as approved by this Court upon
16 written notice to creditors pursuant to Section 330(a). The hourly rate of Wesley H. Avery, Esq.
17 ("Avery") of the Firm is \$685 per hour and the hourly rate of Lucy Mavyan, Esq. ("Mavyan") of
18 the Firm is \$485 per hour. Avery is himself a panel chapter 7 trustee who has retained the
19 accountancy firm of which Menchaca is a member to represent him on unrelated bankruptcy cases.
20 Avery has represented the Trustee on unrelated bankruptcy cases.

21 **PLEASE TAKE FURTHER NOTICE** that pursuant to Loc. Bankr. R. 2014-1(b)(2), any
22 response and request for hearing on the Application must be in the form required by Local
23 Bankruptcy Rule 9013-1(f), filed with the Clerk of the United States Bankruptcy Court, located at
24 255 E. Temple Street, First Floor, Los Angeles, California 90012 (the "Clerk's Office"), and
25 served upon the Trustee's proposed counsel, whose address appears in the upper left corner of the
26 first page of this Notice, no later than fourteen (14) days from the date of service of this Notice.
27 The Trustee will set a hearing date and send out notice thereto if any such response is timely
28

1 received. No hearing will be held if no response and request for hearing is received. You may
2 obtain a copy of the Trustee's Application by making a written request to his proposed attorneys at
3 the address and telephone number in the upper left corner of the first page of this Notice. You
4 may obtain copies of all pleadings in the Bankruptcy Case from the Clerk's Office.

5 Date:

12/16/22

LAW OFFICES OF WESLEY H. AVERY, APC

6
7 

Wesley H. Avery, Esq.

Lucy Mavyan, Esq.

(Proposed) Attorney for John J. Menchaca
Chapter 7 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. I am an employee of Law Offices of Wesley H. Avery, APC, and my business address is 758 E. Colorado Blvd. Ste. 210, Pasadena, CA 91101. A true and correct copy of the foregoing document entitled (*specify*): **Notice** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

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lucy@averytrustee.com;alexandria@averytrustee.com
- **Stella A Havkin** stella@havkinandshrago.com, shavkinesq@gmail.com
- **John J Menchaca (TR)** jmenchaca@menchacacpa.com,
ca87@ecfcbis.com;igaeta@menchacacpa.com
- **Valerie Smith** claims@recoverycorp.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

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☒ Service information continued on attached page

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☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/16/22
Date

Lupe Castillo
Printed Name

/s/ Lupe Castillo
Signature

Label Matrix for local noticing
0973-2
Case 2:22-bk-16660-NB
Central District of California
Los Angeles
Fri Dec 16 19:04:31 PST 2022

American Express
PO Box 0001
Los Angeles, CA 90096-0001

Atlas Business Management
550 S Hill St #748
Los Angeles, CA 90013-2408

California Bank and Trust.
Bankcard Center
PO Box 30833
Salt Lake City, UT 84130-0833

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Henrik Agasyan
2029 Verdugo Blvd. #171
Montrose, CA 91020-1626

Mercedes Financial Services
P.O. Box 685
Roanoke, TX 76262-0685

ShyChar Inc.
3506 Haven Way
Burbank, CA 91504-1851

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Los Angeles Division
255 East Temple Street,
Los Angeles, CA 90012-3332

American Express
PO Box 96001
Los Angeles, CA 90096-8000

Bank of America
PO BOX 982238
El Paso, TX 79998-2238

Capitol One
PO Box 60599
City of Industry, CA 91716-0599

(p)CITIBANK
PO BOX 790034
ST LOUIS MO 63179-0034

Glen Oaks Escrow
6100 San Fernando Road
Glendale, CA 91201-2296

Ida Karayan
2505 Canada Blvd., Suite 2
Glendale, CA 91208-2089

Razmik Zadourian
Rockwell Properties
251 N Brand Blvd, Unit 203
Glendale, CA 91203-2688

Small Business Administration
330 N Brand Blvd
Glendale, CA 91203-2308

Venmo Credit Card
P.O. Box 960080
Orlando, FL 32896-0080

Alina Krikorian
2505 Canada Blvd. #2
Glendale, CA 91208-2089

American Express/Costco
PO Box 0001
Los Angeles, CA 90096-0001

Boyamian Law Firm
550 N Brand Blvd #1500
Glendale, CA 91203-1922

(p)CENLAR FSB
425 PHILLIPS BLVD
EWING NJ 08618-1430

DaCorsi Placencio, PC
21031 Ventura Blvd. #640
Woodland Hills, CA 91364-2226

Goldman Sacks Bank USA
Apple Card
Lockbox 6112
P.O. Box 7247
Philadelphia, PA 19170-6112

Madrid Construction Company
2002 W. Minthorn Street
Lake Elsinore, CA 92530

Schweitzer Law Partners
201 S Lake Ave #800
Pasadena, CA 91101-3015

(p)US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

John J Menchaca (TR)
835 Wilshire Blvd., Suite 300
Los Angeles, CA 90017-2655

Silva Agasyan
7124 Valmont St. #4
Tujunga, CA 91042-2380

Stella A Havkin
Havkin & Shrago
5950 Canoga Avenue, Suite 400
Woodland Hills, CA 91367-5037

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

(d)Bank of America
PO Box 15019
Wilmington, DE 19886

Cenlar
PO Box 77404
Trenton, NJ 08628

Chase
PO Box 15123
Wilmington, DE 19850-5123

Citi Cards
PO Box 78045
Phoenix, AZ 85062

Discover
PO Box 15316
Wilmington, DE 19850

US Bank
PO Box 790179
Saint Louis, MO 63179

(d)US Bank
PO Box 790408
Saint Louis, MO 63179

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Courtesy NEF

(u)Mourad Aziz and Maha Maksemous

(u)Sonia Melkonian

End of Label Matrix	
Mailable recipients	31
Bypassed recipients	3
Total	34